

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

MICHAEL GRUNERT, MORI JONES,
PAUL JOHNSON, ANDY SHANGIN,
HARVEY KALMAKOFF, CLEMENT
SHANGIN, MARVIN YAGI, JOHN
JONES, FRANK GRUNERT, CLEMENS
GRUNERT, ANDY STEPANOFF,
ALEC BRANDAL, ERNIE CARLSON,
& AL ANDERSON,

Plaintiffs,

vs.

MCKIE CAMPBELL, Commissioner of
the Fisheries, and Alaska Department of
Fish & Game, in his official capacity,

Defendant.

Case No. 3:05-cv-128 TMB

ORDER

Plaintiffs have moved for leave of Court to file a Second Amended Complaint. Docket 33. The proposed Second Amended Complaint adds a second cause of action and ten new party defendants. Plaintiffs seek to name the new defendants in their individual capacities, holding them personally liable for damages in excess of \$100,000 for lost income, lost profits, emotional distress, mental anguish and anxiety, lost enjoyment of life, and lost use of property, as well as punitive damages in a sum in excess of \$100,000. Docket 33, Exhibit (Second Amended Complaint).

Defendant McKie Campbell opposes the Motion to File Second Amended Complaint arguing that “the requested amendment would be futile and would serve no purpose other than harassment of the proposed defendants, a needless expansion of the scope of discovery, and needless additional motion practice.” Docket 35.

Plaintiffs argue that Defendant McKie lacks standing to object to the proposed Second Amended Complaint, as he is not a defendant in Plaintiffs’ second cause of action. Docket 39 at 2. Plaintiffs also make a number of responsive arguments on the merits.

This Court has reviewed the briefing, and has determined that further briefing is warranted, in light of the fact that substantial new arguments were raised in Plaintiffs’ Reply. Defendant shall

have the opportunity to file a sur-reply, to be filed no later than May 15, 2006. (Further briefing on the § 1985 claims conceded by Plaintiff is not required).

It is so ordered.

Dated at Anchorage, Alaska, this 25th day of April 2006.

/s/ Timothy Burgess
Timothy M. Burgess
United States District Judge